

# Notice of Allowability

Application No.

10/684,088

Examiner

Isiaka O. Akanbi

Applicant(s)

LIPHARDT ET AL.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 27 June 2006.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments/remarks, see pages 3-17, filed 27 June 2006, with respect to the rejection(s) of claim(s) 1-18 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

### ***Examiner's Reasons for Allowance***

Claims 1-18 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance:

As to claim 1, the prior art of record, taken alone or in combination, fails to disclose or render obvious a first source of a first beam of electromagnetic radiation in functional combination with a multi-element alignment detector comprised of at least two detector elements closely surrounding a hole therethrough, in combination with the rest of the limitations of the claim. Claim 11 is allowable by virtue of its dependency.

As to claim 2, the prior art of record, taken alone or in combination, fails to disclose or render obvious a first source of a first beam of electromagnetic radiation in functional combination with a multi-element alignment Detector comprised of at least two detector elements closely surrounding a hole therethrough, in combination with the rest of the limitations of the claim. Claims 3-5, 13-14, 16 and 17 are allowable by virtue of their dependency.

As to claim 6, the prior art of record, taken alone or in combination, fails to disclose or render obvious a pivot mounted stage/sample which is rotatable about "X", "Y" and optionally "Z" axes, in combination with the rest of the limitations of the claim. Claim 12 is allowable by virtue of its dependency

As to claim 7, the prior art of record, taken alone or in combination, fails to disclose or render obvious pivoting said sample about said stage/sample pivot mounting about at least one of the "X" and "Y" axes until signals from all of the detector detector elements in the multi-element alignment detector are substantially minimized or equalized, indicating that said first beam of electromagnetic radiation approaches said surface of said sample substantially along a

normal thereto, in combination with the rest of the limitations of the claim. Claims 8-10,15 and 18 are allowable by virtue of their dependency.

### **Additional Prior Art**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Phillips (4,742,376) discloses a stage with six degrees of freedom/motion for aligning a sample. Further the references listed in the attached form PTO-892 teach of other prior art alignment devices.

### **Conclusion**

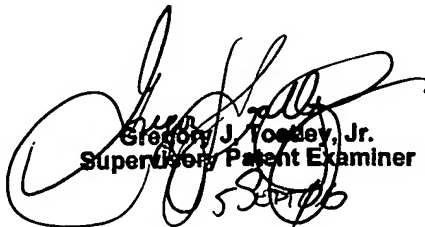
### **Fax/Telephone Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isiaka Akanbi whose telephone number is (571) 272-8658. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley Jr. can be reached on (571) 272-2059. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Isiaka Akanbi  
August 25, 2006



Gregory J. Toatley, Jr.  
Supervisory Patent Examiner